IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 31ST OCTOBER 2007 / 9TH KARTHIKA 1929

Bail Appl..No. 6597 of 2007()

[CRIME NO.726/2007 OF KAYAMKULAM POLICE STATION]

: PETITIONER/IST ACCUSED

SATHAR,
PALAKKARAKIZHAKKATHIL,KANNAMPALLY BHAGAM,
KAYAMKULAM.

BY ADV. SRI.GEORGE VARGHESE(PERUMPALLIKUTTIYIL)
SRI.A.R.DILEEP

RESPONDENTS: STATE/COMPLAINANT

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1. STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA

2. SUB INSPECTOR OF POLICE
KAYAMKULAM POLICE STATION.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.6597 of 2007

Dated this the 31st day of October 2007

O R D E R

Application for anticipatory bail. The petitioner is the first accused. He, along with the co-accused faces allegations in a crime registered under Sections 452 and 506 I.P.C. The crux of the allegations is that the accused persons along with a crowd of persons were present in front of the house of a political leader. He was offering prayers inside the house. The accused persons allegedly made an attempt to enter the said house. In the course of that attempt, a knife held by one of the accused persons fell down. The personal security guards of the said leader allegedly apprehended them. They were allegedly handed over to the local police. The local police allegedly did not take any action. Thereafter complaint was filed before the superior official of the police which was sent to the local police to register a crime and investigate. The investigation is in progress. The petitioner apprehends imminent arrest.

2. According to the learned counsel for the petitioner, the petitioner is absolutely innocent. The petitioner had gone to

the house of the leader to see him. But the local supporters of the political party did not permit him to enter the house. Consequently, there was a push and pull and altercation. There was no attempt at all to trespass into the house and cause any harm to the leader. Totally false and vexatious allegations are now being raised. Even going by the allegations, the only non-bailable offence alleged is the one punishable under Section 452 Cr.P.C. It is of great significance that no one in possession of the premises had made any complaint, submits the learned counsel for the petitioner.

3. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied in the facts and circumstances of this case that the petitioner can be granted anticipatory bail subject to appropriate terms and conditions which shall ensure the interests of a fair, efficient and expeditious investigation.

4. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioner.

i) Petitioner shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 7/11/2007. He shall

be released on regular bail on condition that he executes a bond for Rs.25,000/-(Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 1 p.m on 08/11/2007 and 09/11/2007 and subsequently as and when directed by the investigating officer in writing to do so.

(iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law, as if these directions were not issued at all.

(iv) If he were arrested prior to 07/11/2007, he shall be released from custody on his executing a bond for Rs.25,000/-(Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 07/11/2007.

(R.BASANT, JUDGE)

jsr // True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007